

AMENDMENTS TO THE DRAWING FIGURES

Attached are two replacement drawing sheets including Figs. 2-6 which should replace the two drawing sheets filed on December 15, 2005, including Figs. 2-6.

The replacement drawing sheets include changes to Figs 3 and 6 involving the addition of reference character "P" to designate the plane in which lies the outer surface of the part of the pad mounting side portion 23 facing the pedal pad 30, the addition of reference character "P'" designating the plane on which lies the oppositely facing inner surface of the part of the pad mounting side portion 23 and the addition of reference character "V" designating the void of the arm end portion that is laterally opposite the protruding portion 23a.

Attachment: Replacement Sheets (2)

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Appreciation is expressed to Examiner Johnson for approving the replacement drawing sheets filed on December 15, 2005.

Claims 1 and 10 have been amended to provide proper antecedent basis for the recitation of the braking direction. Accordingly, withdrawal of the claim rejection based on the second paragraph of 35 U.S.C § 112 is respectfully requested.

In addition, the fourth line of Claim 1 has been amended to correct a typographical error.

As discussed in the previously filed Amendment, the subject matter at issue here pertains to a pedal structure for a motor vehicle that includes a pedal arm and a pedal pad. In the various disclosed embodiments of the motor vehicle pedal structure, the pedal arm includes a pad mounting upper portion 22 for mounting the pedal pad and a pad mounting side portion 23 extending laterally with respect to the pad mounting upper portion for mounting the pedal pad side portion of the pedal pad. In addition, the pad mounting side portion includes a protruding portion 23a, 23c that protrudes laterally with respect to the braking direction so as to have the same or almost the same height as the thickness of the pedal pad side portion. In addition, the pad mounting upper portion, the pad mounting side portion and the protruding portion comprise respective integral portions of the same piece of material.

The Official Action sets forth a rejection of independent Claims 1 and 10 based on the known pedal structure shown in Fig. 11 of the present application in which a plate member 40 is welded to the pad mounting lower portion of the pedal

arm 120. The Official Action recognizes that the plate member 40 shown in Fig. 11 does not comprise a portion of the same piece of material as the pad mounting upper portion and the pad mounting side portion. The Official Action takes the position that it would have been obvious to make the pad mounting upper portion, the pad mounting side portion and the plate member from the same piece of material. While Applicants do not agree with this position, Claims 1 and 10 have been amended to better distinguish the claimed structure at issue here over the modified version of the pedal structure shown in Fig. 11 of the present application.

As seen with reference to the accompanying amended versions of Figs. 3 and 6, the pad mounting side portion 23 lies in a plane P' oriented substantially parallel to the braking direction D, and the protruding portion 23a, 23c is configured to be disposed outside of this plane P' and laterally opposite a void V in the arm end portion.

Independent Claim 1 has been amended to define this arrangement by reciting that the pad mounting side portion lies in a plane oriented substantially parallel to the braking direction, with the protruding portion being disposed outside of the plane and laterally opposite a void in the arm end portion.

Assuming an ordinarily skilled artisan would have somehow been motivated to modify the pedal structure shown in Fig. 11 of the present application so that the plate member 40 is made of the same material as the pad mounting upper portion and the pad mounting side portion, the resulting pedal structure would not possess the construction recited in independent Claim 1. That is, such a modified version of the Fig. 11 pedal structure would not include a protruding portion that, in addition to being disposed outside of the plane in which lies the pad mounting side portion, is

disposed opposite a void in the arm end portion. In the hypothetically modified version of the Fig. 11 pedal structure, there would be no void as claimed.

Independent Claim 10 has also been amended to more clearly distinguish the claimed parking brake pedal structure over the hypothetical modification of the pedal structure shown in Fig. 11 of the present application. As seen with reference to the accompanying amended versions of Figs. 3 and 6, the part of the pad mounting side portion at which is mounted the pedal pad possesses an outer surface which lies in a first plane P'' oriented substantially parallel to the braking direction and an oppositely facing inner surface which lies in a second plane P' . In addition, the protruding portion 23a, 23c is disposed outside the first plane P' and laterally opposite a void V in the arm end portion that is positioned between the inner surface of the protruding portion 23a and the second plane P'' .

Once again, this construction of the protruding portion differentiates the claimed parking brake pedal structure over the hypothetically modified version of the Fig. 11 pedal structure at least because the hypothetically modified version of the Fig. 11 pedal structure would not include a protruding portion disposed laterally opposite a void in the arm portion which is located between the inner surface of the protruding portion and the second plane as claimed.

For at least the reasons set forth above, it is respectfully submitted that the claimed subject matter at issue here as recited in independent Claims 1 and 10 is patentably distinguishable over the hypothetically modified version of Fig. 11 of the present application. Accordingly, withdrawal of the objections of record and allowance of this application are earnestly solicited.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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